

EXHIBIT 5

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

RAYMOND ABELS, on behalf of himself and all others similarly situated,

Case No.: C04 02345 RS

Plaintiff,

V.

JBC LEGAL GROUP, P.C., a Corporation and
JACK BOYAJIAN, an Individual,

**DEFENDANTS JBC LEGAL GROUP'S
RESPONSE TO REQUEST FOR
PRODUCTION OF DOCUMENTS, SET
NUMBER ONE**

Defendants.

**PROPOUNDING PARTY: PLAINTIFF RAYMOND ABELS, ON BEHALF OF HIMSELF
AND ALL OTHERS SIMILARLY SITUATED**

RESPONDING PARTY: DEFENDANTS JBC LEGAL GROUP

SET NUMBER: ONE

Defendant JBC LEGAL GROUP hereby responds to RAYMOND ABELS, on behalf of himself and all others similarly situated as follows:

GENERAL OBJECTIONS

It should be noted that this responding party has not fully completed its investigation of the facts relating to this case, has not fully completed its discovery in this action, and has not completed its preparation for the trial. All the responses contained herein are based upon such information and documents which are presently available and specifically known to this responding party. The following responses are given without prejudice to responding party's right to produce any

1 subsequently discovered responsive documents or materials. Responding party accordingly reserves
2 the right to change any and all answers herein.

3 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

4 **REQUEST FOR PRODUCTION NO. 1:**

5 All documents regarding the numbers, names, and addresses of persons in California who were
6 sent communications in the form of Exhibits A and B between June 15, 2003 and June 15, 2004.

7 **RESPONSE TO DEMAND NO. 1:**

8 Objection. This Request is unlikely to lead to the discovery of admissible evidence and
9 irrelevant in light of the procedural posture of this case, i.e. a class has not yet been certified. Also,
10 this demand asks for the preparation of a report. This demand is compound. This request also seeks
11 the production of private and confidential information that is barred from disclosure by federal law.
12 This request is also overly burdensome and oppressive in light of its non-relevance to this case at this
13 procedural posture. Furthermore, this request seeks attorney-client communications and attorney work
14 product. Responding party will not produce any documents responsive to this request.

15 **REQUEST FOR PRODUCTION NO. 2:**

16 All documents regarding the numbers, names, and addresses of persons in California who were
17 sent communications in the form of Exhibits A and B between June 15, 2000 and June 15, 2004.

18 **RESPONSE TO DEMAND NO. 2:**

19 Objection. This Request is unlikely to lead to the discovery of admissible evidence and
20 irrelevant in light of the procedural posture of this case, i.e. a class has not yet been certified. Also,
21 this demand asks for the preparation of a report. This demand is compound. This request also seeks
22 the production of private and confidential information that is barred from disclosure by federal law.
23 This request is also overly burdensome and oppressive in light of its non-relevance to this case at this
24 procedural posture. Furthermore, this request seeks attorney-client communications and attorney work
25 product. Responding party will not produce any documents responsive to this request.

26 **REQUEST FOR PRODUCTION NO. 3:**

27 All contracts between creditors and Defendants, which resulted in sending Exhibits A and B.

1 **RESPONSE TO DEMAND NO. 3:**

2 Objection. Responding party objects because the requested documents are not likely to lead to
3 the discovery of admissible evidence as delineated by the allegations in the operative complaint.
4 Furthermore, responding party objects because the documents sought are privileged as attorney-client
5 communications and/or attorney work product. This request is vague and ambiguous. This request
6 also seeks the disclosure of confidential trade secrets contained within the documents which if
7 disclosed would negatively impact the financial status of responding party.

8 **REQUEST FOR PRODUCTION NO. 4:**

9 All contracts between creditors and Defendants for purchases of dishonor checks by
10 Defendants, which resulted in sending Exhibits A and B.

11 **RESPONSE TO DEMAND NO. 4:**

12 Objection. Responding party objects because the requested documents are not likely to lead to
13 the discovery of admissible evidence as delineated by the allegations in the operative complaint.
14 Furthermore, responding party objects because the documents sought are privileged as attorney-client
15 communications and/or attorney work product. This request is vague and ambiguous. This request
16 also seeks the disclosure of confidential trade secrets contained within the documents which if
17 disclosed would negatively impact the financial status of responding party.

18 **REQUEST FOR PRODUCTION NO. 5:**

19 All documents regarding Raymond Abels.

20 **RESPONSE TO DEMAND NO. 5:**

21 Objection. Responding party also objects because the requested documents are not likely to
22 lead to the discovery of admissible evidence as delineated by the allegations in the operative
23 complaint. Responding party objects because those documents that are relevant are within plaintiff's
24 control and were attached to the complaint by plaintiff. Their production would be overly burdensome
25 and oppressive given their availability to plaintiff. Furthermore, responding party objects because
26 some of the documents sought are privileged as attorney-client communications and/or attorney work
27 product. This request is vague and ambiguous including but not limited to the phrase "regarding."

1 **REQUEST FOR PRODUCTION NO. 6:**

2 All documents regarding Jack Boyajian's job description and duties.

3 **RESPONSE TO DEMAND NO. 6:**

4 Objection. Responding party objects because this request is vague and ambiguous.
5 Responding party objects because the requested documents are not likely to lead to the discovery of
6 admissible evidence as delineated by the allegations in the operative complaint. Furthermore,
7 responding party objects because the documents sought are privileged as attorney-client
8 communications and/or attorney work product. This request also seeks the disclosure of confidential
9 trade secrets contained within the documents which if disclosed would negatively impact the financial
10 status of responding party.

11 **REQUEST FOR PRODUCTION NO. 7:**

12 All documents regarding monies recovered through use of Exhibits A and B.

13 **RESPONSE TO DEMAND NO. 7:**

14 Objection. Responding party OBJECTS to this demand upon the ground that it is vague and
15 ambiguous. Responding party further objections because this demand is unlikely to lead to the
16 discovery of admissible evidence in this case's current procedural status. Also, this request seeks
17 documents that contain information protected by the federal and California constitutional rights of
18 privacy. This request is also overly burdensome and oppressive in light of the lack of relevancy of the
19 documents sought at this stage of the litigation. Finally, this request appears to also seek attorney-
20 client communications.

21 **REQUEST FOR PRODUCTION NO. 8:**

22 All insurance policies covering Defendant for violations as alleged in the complaint.

23 **RESPONSE TO DEMAND NO. 8:**

24 Objection. This request is vague and ambiguous. Responding party also objects because the
25 requested documents are not likely to lead to the discovery of admissible evidence as delineated by the
26 allegations in the operative complaint. The documents requested may also evidence privileged
27 attorney-client communications and/or attorney work product. Notwithstanding these objections, and
28 without waiving these objections, responding party will not produce any documents because no such

1 **RESPONSE TO DEMAND NO. 11:**

2 Objection. Responding party OBJECTS to this demand upon the ground that it is vague and
3 ambiguous. Responding party further objections because this demand is unlikely to lead to the
4 discovery of admissible evidence in this case's current procedural status. Also, this request seeks
5 documents that contain information protected by the federal and California constitutional rights of
6 privacy. This request is also overly burdensome and oppressive in light of the lack of relevancy of the
7 documents sought at this stage of the litigation. Finally, this request appears to also seek attorney-
8 client communications.

9 **REQUEST FOR PRODUCTION NO. 12:**

10 All documents relating to the maintenance of procedures by defendants to ensure compliance
11 with and avoid violation alleged in the Complaint.

12 **RESPONSE TO DEMAND NO. 12:**

13 Objection. This request is vague and ambiguous. Responding party also objects because the
14 requested documents are not likely to lead to the discovery of admissible evidence as delineated by the
15 allegations in the operative complaint. The information contained in the documents also evidences
16 privileged attorney work product. This request also seeks confidential trade secrets, the disclosure of
17 which would negatively impact responding party's financial statement.

18 Dated: December 20, 2004

19 Murphy, Pearson, Bradley & Feeney

20 By 
21 June D. Coleman
22 Attorneys for Defendant
23 JBC LEGAL GROUP AND JACK BOYAJIAN

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